



02-23-00

SECTOR 17

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Elazar Rabbani et al.

Serial No. 09/439,594

Filed: November 12, 1999

Title: NOVEL SPECIFIC TARGET NUCLEIC ACID  
DETECTION AND AMPLIFICATION  
PROCESSES, AND COMPOSITIONS USEFUL  
FOR PRODUCING ONE OR MORE COPIES  
OF SPECIFIC TARGET NUCLEIC ACID  
SEQUENCES

Group Art Unit: 1634

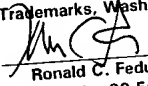
Examiner: Not Yet Known

527 Madison Avenue, 9th Floor  
New York, New York 10022  
February 22, 2000**FILED BY EXPRESS MAIL**Honorable Commissioner  
of Patents and Trademarks  
Washington, D.C. 20231**BEST AVAILABLE COPY****COMMUNICATION IN RESPONSE TO DECEMBER 20, 1999  
NOTICE TO FILE MISSING PARTS OF APPLICATION  
(FILING DATE GRANTED)**

Dear Sirs:

Applicants submit this Communication In Response To December 20, 1999 Notice To File Missing Parts Of Application (Filing Date Granted), a copy of which is attached and identified as Exhibit A, in which Applicants were requested to submit a properly signed oath or declaration in compliance with 37 CFR 1.63.

It is hereby requested that the Declaration For Patent Application filed in connection with the parent application, serial no. 09/104,067, filed on June 24, 1998, be made of record in the instant patent application, serial no. 09/439,594. A copy of the aforementioned Declaration is attached and identified as Exhibit B.

| EXPRESS MAIL CERTIFICATE   |                     |
|--|---------------------|
| "Express Mail" Label No.   | EL522278695US       |
| Deposit Date   | February 22, 2000   |
| I hereby certify that this paper and the attachments herein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington DC 20231. |                     |
| <br>Ronald C. Fedus<br>Reg. No. 32,567  | FEB 22 2000<br>Date |

Enz-58(D1)



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO./TITLE |
|--------------------|---------------------|-----------------------|---------------------------|
| 097439.594         | 11/12/99            | RABBANI               | E ENZ-50 (P1V1)           |

0242/1220

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1634

RONALD C FIDUS ESQ  
ENZO DIAGNOSTICS INC  
C/O ENZO BIOCHEM INC  
527 MADISON AVENUE 9TH FLOOR  
NEW YORK NY 10022

DATE MAILED:

12/20/99

**NOTICE TO FILE MISSING PARTS OF APPLICATION**  
**Filing Date Granted**

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the **SURCHARGE** set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a  
☐ small entity (statement filed) ☒ non-small entity is \$ 130

- ☐ 1. The statutory basic filing fee is:  
☐ missing  
☐ insufficient

Applicant must submit \$ \_\_\_\_\_ to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

- ☐ 2. The following additional claims fees are due:

\$ \_\_\_\_\_ for \_\_\_\_\_ total claims over 20.

\$ \_\_\_\_\_ for \_\_\_\_\_ independent claims over 3.

\$ \_\_\_\_\_ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

- ☐ 3. The oath or declaration:  
☒ is missing.

☐ does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date, is required.

- ☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

- ☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

- ☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

- ☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

- ☐ 8. This application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

- ☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

**A copy of this notice MUST be returned with the reply.**

*H. Bell*

Customer Service Center  
Patent Examination Division (703) 308-1202

02/20/2000 12:00 PM RECEIVED 02/00/38/151135 09439594 130.00 CH



#3

Please date stamp and return to addressee.

|  |   |  |
|--|---|--|
| APPLICANT:<br>Elazar Rabbani et al.  |   | <input checked="" type="checkbox"/> Express Mail Label No.<br>EM366566372US mailed 4/19/99 |
| NOVEL PROCESSES FOR AMPLIFYING NUCLEIC ACID, POST TERMINATION LABELING PROCESS FOR NUCLEIC ACID SEQUENCING AND PRODUCING NUCLEIC ACID HAVING DECREASED THERMODYNAMIC STABILITY |   | <input type="checkbox"/> First Class Mailing Date  |
| ENCLOSED ARE:  |   |  |
| <input type="checkbox"/> Application   | <input type="checkbox"/> Response to OA                           |  |
| <input checked="" type="checkbox"/> Declaration  | <input checked="" type="checkbox"/> Amendment Re Sequence Listing |  |
| <input type="checkbox"/> Drawings  | <input type="checkbox"/> Issue Fee                                |  |
| <input checked="" type="checkbox"/> Assignment   | <input checked="" type="checkbox"/> Other (see below)             |  |
| Petition To Revive; Assignment & Recordation Form; Declaration For Patent Application; Verified Statement  |   |  |
| <input type="checkbox"/> Re Small Entity Status; Communication Re Notice To File Missing Parts; Amendment in Connection  |   |  |
| <input type="checkbox"/> With Sequence Listing and Declaration related Thereto;  |   | Serial No. 09/104,067  |
| <input type="checkbox"/>   |   | Docket No. ENZ-58  |

Please date stamp and return to addressee.

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|--|---|--|
| APPLICANT:<br>Elazar Rabbani et al.  |   | <input checked="" type="checkbox"/> Express Mail Label No.<br>EM366566372US mailed 4/19/99 |
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| <input type="checkbox"/> Application   | <input type="checkbox"/> Response to OA                           |  |
| <input checked="" type="checkbox"/> Declaration  | <input checked="" type="checkbox"/> Amendment Re Sequence Listing |  |
| <input type="checkbox"/> Drawings  | <input type="checkbox"/> Issue Fee                                |  |
| <input checked="" type="checkbox"/> Assignment   | <input checked="" type="checkbox"/> Other (see below)             |  |
| Petition To Revive; Assignment & Recordation Form; Declaration For Patent Application; Verified Statement  |   |  |
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| <input type="checkbox"/> With Sequence Listing and Declaration related Thereto;  |   | Serial No. 09/104,067  |
| <input type="checkbox"/>   |   | Docket No. ENZ-58  |



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